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Attorney Reference Number 6616-72693-06  
Application Number 10/554,386

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KLARQUIST SPARKMAN

AC:gh 02/23/06 488525 EP04-001C-US  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Clendennen *et al.*

Application No. 10/554,386

Filed: October 25, 2005

Confirmation No.

For: GENES UPREGULATED IN A TOMATO  
PLANT HAVING AN INCREASED  
ANTHOCYANIN CONTENT  
PHENOTYPE

Examiner:

Art Unit:

Attorney Reference No. 6616-72693-06

PRELIMINARY AMENDMENT

Prior to examination, please amend the specification as follows:

*Please insert the following paragraph at the top of page 1, immediately following the title:*

CROSS-REFERENCE TO RELATED APPLICATIONS

This is the § 371 U.S. National Stage of International Application No. PCT/US2004/012826, filed on April 26, 2004, which in turn claims the benefit of U.S. Provisional Patent Application No. 60/465,605, filed April 25, 2003, which is hereby incorporated by reference.

REMARKS

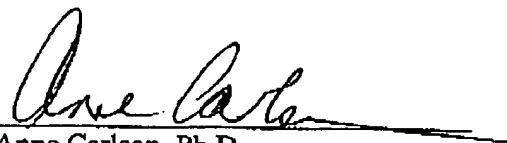
By this amendment, the specification has been changed to reflect prior related applications. No new matter has been added by this amendment.

Respectfully submitted,

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

23 FEB 2006

**Fax No.:** (571) 273-8300**Total No. Pages:** 2 including this cover sheet**Message:** Transmitted herewith for filing in the below-identified application is a Preliminary Amendment. If you do not receive all pages or if you have problems receiving transmittal, please call Garrett Hinesley at (503) 595-5300.**In re application of:** Clendennen *et al.***Application No.** 10/554,386**Filed:** October 25, 2005**Confirmation No.****For:** GENES UPREGULATED IN A TOMATO  
PLANT HAVING AN INCREASED  
ANTHOCYANIN CONTENT  
PHENOTYPE**Examiner:****Art Unit:****Attorney Reference No.** 6616-72693-06CERTIFICATE OF FACSIMILE

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (571) 273-8300 on the date shown below.

Attorney or Agent  
for Applicant(s)Date Transmitted February 23, 2006TRANSMITTAL LETTER

- ☒ No additional fee is required.
- ☒ Please charge any fees that may be required in connection with filing of this Preliminary Amendment to Deposit Account 02-4550.
- ☒ If the Patent and Trademark Office determines that this amendment results in an additional application size fee for pages in excess of 100, please charge the fee to Deposit Account No. 02-4550.

Respectfully submitted,

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cc: Docketing